

1 WARM-UP

2
3 MR. BAKER: Thank you.

4 THE COURT: Redirect.

5 MS. OLIVER: I have nothing further.

6 THE COURT: May the witness be excused subject to recall?

7 MS. OLIVER: Yes, please, your Honor.

8 THE COURT: Okay. People may call their next / witness.

9 MS. OLIVER: People call Scott Lewis.

10 THE COURT: State your name and spell it for the record.

11 THE WITNESS: Scott Lewis, L-E-W-I-S.

12 THE COURT: Thank you.

13 MR. BAKER: May we / approach, your Honor, on the record?

14 THE COURT: Yes.

15 MR. BAKER: This particular witness is not on the D.A.'s witness list,
16 so I don't know who he is / or what he is going to be testifying about.

17 MS. OLIVER: I am sorry, I thought he was on the witness list. He was
18 with Ken Murphy / who is listed in the reports, and he did the C.S.I. collection.
19 His name appears on all the same reports and he is / referenced as doing the same
20 exact thing. As it turns out, his partner is not available for this trial. I had to
21 substitute this witness / for him.

22 MR. BAKER: Okay. Can I have a minute to locate where he is named
23 in the reports?

24 THE COURT: Yes, that's fine.

25 MS. OLIVER: May I proceed?

26 THE COURT: Are you / ready to proceed?

1 MR. BAKER: Yes. Thank you, your Honor.

2 THE COURT: All right.

3 DIRECT EXAMINATION

4 BY MS. OLIVER: Q. Good afternoon, Mr. Lewis.

5 A. Good afternoon.

6 Q. Mr. Lewis, who do you work for?

7 A. I am / employed by Bellflower Police Department.

8 Q. How long have you worked for them?

9 A. Six years.

10 Q. What do you do for them?

11 A. I work in the crime / scene unit as a crime scene technician.

12 Q. What do you do as a crime scene technician?

13 A. We have many duties. We respond to crime scenes. / In doing that,
14 we take photographs. We process the scenes for fingerprints, collect evidence that
15 may be relevant. We also process evidence in our lab / for fingerprints, blood and
16 the like. We also do some fingerprint analysis.

17 Q. What type of training did you receive in order to handle this job / at
18 the police department?

19 A. Before being hired by the city, I just got my degree from Cal State
20 Long Beach.

21 Q. And after your degree, did / you get other training?

22 A. Yes, ma'am, I have several hundred hours of training and classes from
23 experts who are in my same field of work. /

24 Q. To the present, about how many crime scenes have you responded to?

25 A. I would say at least 150.
26

1 Q. Now, on June 5th of / '98, were you working then for the Bellflower
2 Police Department?

3 A. Yes, I was.

4 Q. And were you working in the same capacity?

5 A. Yes.

6 Q. Do you recall / responding to the scene of a homicide at Hoover and
7 Bayside in the city of Bellflower?

8 A. I do.

1 EXAM

2
3 BY MS. OLIVER: Q. Do you recall approximately what time you
4 arrived at the scene?

5 A. I would estimate between 10:30 and 12:00 o'clock.

6 Q. During the day or at / night?

7 A. Midnight.

8 Q. So that's at the end of June 5th, 1998 into the early morning hours of
9 June 6th, 1998?

10 A. Yes.

11 Q. After you / met at the Bellflower Police Department, did you head
12 directly to the scene?

13 A. Yes.

14 Q. And which scene did you go to?

15 A. The initial scene was / at Beach and Main at the gas station on the
16 corner.

17 Q. When you responded to that gas station, was there a van that was still
18 / there?

19 A. Yes.

20 Q. Did you have anything to do with that automobile at that time?

21 A. Definitely.

22 Q. What did you do with regard to the van?

23 A. After / being briefed by the officers, we were asked to photograph the
24 van and collect evidence out of the van.

25 Q. When you say that you got / briefed by the officers, generally what
26 information do you get in order to process a scene?

1 A. I don't recall exactly what we were told. But, / in general terms, when
2 we respond to a scene, the officers give us some direction on where they need us.

3 Q. In this instance, where were / you told to begin your work?

4 A. At the scene there was a vehicle with open doors and what appeared
5 to be blood inside the vehicle. /

6 Q. Were you informed how that might have happened?

7 A. We were told there were several shots fired at the vehicle and that one
8 individual was struck. /

9 Q. When you responded to the gas station, was there anybody inside of
10 the van?

11 A. No.

12 Q. When you responded there, was there an ambulance that was / still at
13 the gas station?

14 A. No, not as I recall. I think the person already had been transported.

15 MR. BAKER: I will object to the last part / as speculation and move to
16 strike.

17 THE COURT: Sustained. It is stricken.

18 BY MS. OLIVER: Q. So, to the best of your recollection, there
19 was nobody at the gas station that / appeared to be injured?

20 A. No.

21 Q. Did you go ahead and begin to process the evidence?

22 A. Yes.

23 Q. Now, you said that your partner, Ken Murphy, was / with you as well;
24 is that right?

25 A. Yes.

1 Q. The first thing that you did in this situation, first thing you do upon
2 seeing the van / and having been briefed, you take photographs and then you
3 collect evidence?

4 A. Correct.

5 Q. Do you recall taking photographs of the van in this particular case? /

6 A. Yes.

7 Q. Was the van the only thing that you were photographing at the gas
8 station?

9 A. The van and any evidence that was in the vehicle. /

10 Q. Was there anything in particular that you were directed to photograph
11 either inside or outside of the van?

12 A. Not as I recall. After the briefing / we will do an inspection, so to
13 speak, of the scene to get an understanding for where things are. We did observe
14 holes in the / vehicle that were believed to have been strike marks by expended
15 rounds.

16 Q. At some point do you actually place markers near an item that you /
17 are photographing in order to document what it is that you are taking a picture of
18 and where it is located?

19 A. Yes.

20 Q. Did you also / draw any sort of diagram to depict where you found
21 particular marks on this van?

22 A. I don't believe so, no.

23 Q. Showing you what has been / marked as people's number 2 for
24 identification. Can you see the monitor okay from where you are seated?

25 A. Yeah, I believe so.

26 Q. If not, I / can approach and bring it closer.

1 A. Yes, please.

2 Q. Does that appear to be the automobile that you processed on that
3 morning?

4 A. Yes, ma'am, it does. /

1 START TYPING

2
3 BY MS. OLIVER: Q. What color is the vehicle in that picture?

4 A. It appears black.

5 Q. Do you see the photographs I have displayed on the courtroom
6 monitor?

7 A. Absolutely.

8 THE COURT: Counsel, / excuse me. Are you requesting to have those
9 photographs marked?

10 MS. OLIVER: We should do that.

11 THE COURT: I want the record to be very clear on what you / are
12 referring to.

13 MR. BAKER: I prefer they be marked.

14 THE COURT: These exhibits may be marked.

15 BY MS. OLIVER: Q. Does the van appear in a similar condition
16 that you observed when / you first arrived?

17 A. Certainly, it does.

18 Q. Does this exhibit here depict the seat where the clothes were
19 recovered?

20 A. Yes, it does. There was a bench / seat in the van.

21 Q. Do you know how many pictures you collected that day?

22 A. No, ma'am, not without counting. I know I photographed a lot. /

23 Q. So after taking all of the photographs that we just viewed, you then
24 moved to the collection of evidence from the inside of the van? /

25 A. Yes.

26 Q. What else did you do?

1 A. We collected the clothing evidence that had blood on it. To my
2 recollection, that's the only evidence that we / recovered there at that scene. The
3 vehicle was then impounded, and we processed it a few hours later.

4 Q. What clothing was collected?

5 A. It was a / shirt and a jacket.

6 Q. And do you recall where those items were collected from inside of the
7 van?

8 A. The middle row, the passenger's seat behind / the driver's bucket seat.

9 Q. Now, any other clothing items that you collected at that point?

10 A. No.

11 Q. And then you indicated the van was actually impounded? /

12 A. Yes.

13 Q. And then you responded to that scene and continued your
14 investigation of the van?

15 A. Yes, we did.

16 Q. Did you also respond to the scene / of the shooting?

17 A. Yes, we did.

18 Q. Did you conduct a search for evidence there?

19 A. Yes.

20 Q. Now, what was the first item that you found?

21 A. I / believe it was the gloves.

22 Q. Sir, do you remember where it was that you discovered those gloves?

23 A. In the street, the southbound lane of the / street.

24 Q. After you collect evidence, what happens to it?

25 A. We package it and label it for storage.

26 Q. Did you accomplish that in this instance?

1 A. Absolutely. /

2 Q. Do you know what happened to any of these items after you booked
3 them into the property division?

4 A. No.

5 Q. Do you have any idea whether / or not they were sent someplace else?

6 A. I do not.

7 Q. Did you locate any other rounds within the car?

8 A. I believe there were three total. /

9 Q. Three total collected on this particular homicide, or three total inside
10 the vehicle?

11 A. Can I refer to my report as far as where the other / bullet was
12 recovered?

13 Q. Sure. That would be okay.

14 A. Correct, there were the two from inside the van and the third bullet
15 was the one from / Hoover and Bayside. So three total.

16 Q. Did you see some holes inside of the van that appeared to be bullet
17 strikes?

18 A. Yes.

19 Q. Where did you / discover those?

20 A. We found one on the side panel, interior side panel behind the driver's
21 seat.

22 Q. Any other ones that you recall?

23 A. Not that I / recall.

24 Q. Did you collect other evidence from the van, as well?

25 A. No, not to my memory.
26

1 Q. Well, do you recall collecting some things such as / cigarette
2 packages, or anything of that nature?

3 A. Yes. There were other vehicles that we addressed later on. I believe
4 one was that day, then another / car on a different date.

5 Q. Well, specifically with regard to the van.

6 A. Can I look at my notes?

7 Q. Would that refresh your memory?

8 A. Yes, it / would.

9 MS. OLIVER: With your Honor's permission.

10 THE COURT: Yes.

11 THE WITNESS: Well, there was nothing else from the van that we
12 collected other than the expended rounds. Then at the / initial scene, the clothing.

13 BY MS. OLIVER: Q. In terms of that van, did that conclude any
14 investigation you had with regard to the crime scene?

15 A. That was the / last time that our team had anything to do with
16 processing the van, yes.

17 Q. Now, was there any other scene where you collected evidence other /
18 than near Hoover and Bayside, that is, any other evidence located in the street?

19 A. Yes.

20 Q. And where was that?

21 A. That was at a separate location / at a different point in the day. I think
22 it was about 11:30 on June 5th. We were asked to respond to a vehicle. /

23 Q. But was there any evidence that was located within the street?

24 A. You mean on the street?

25 Q. Yes, that's right.

26 A. No, nothing.

1 Q. As opposed to any / vehicle, was there any other street scene that you
2 analyzed other than the Hoover and Bayside crime scene?

3 A. No.

4 Q. Okay. Now, you indicated that there / was another car that you did
5 take some photographs of; is that right?

6 A. Yes.

7 Q. Showing you what's been marked as 13. Does that look like / one of
8 the other cars that you photographed?

9 A. Yes, it does.

10 Q. Showing you 14 for identification, does that appear to be the rear
11 portion of / that same car?

12 A. Yes, it does.

13 Q. And 15 -- does that appear to be the front of that same car?

14 A. Yes, it does.

15 Q. You collected some / evidence from that particular car?

16 A. We did.

17 Q. And that would include what kinds of things?

18 A. There were various items. One pack of cigarettes that was / open, a
19 plastic cassette tape box, and a steering wheel lock. I think that is it.

20 Q. Thank you, Mr. Lewis.

21 MS. OLIVER: I have nothing further.

22 THE COURT: Cross-examination. /

23 CROSS-EXAMINATION

24 BY MR. BAKER: Q. Mr. Lewis, are you a sworn police officer?

25 A. I am not.

26 Q. You are labeled a crime scene investigator; is that correct?

1 A. Crime scene technician is / the formal name, yes.

2 Q. And you have received special training for that position; is that
3 correct?

4 A. I have.

5 Q. And that's training including going to classes, / specifically about
6 crime scenes and collection of evidence?

7 A. Yes.

8 Q. Any classroom-type training in that regard?

9 A. Yes, I have my degree dealing with that, and / I took a lot of classes in
10 that field.

11 Q. All right. How long have you been employed in that capacity with
12 Bellflower P.D.?

13 A. Six / years.

14 Q. So you are familiar with the city streets?

15 A. Yes.

16 Q. I am going to direct your attention to this board that we have been
17 using. / It is exhibit number 2 for identification.

18 Could you tell us or could you demonstrate for us on that
19 diagram where Hoover Street and Bayside / Drive are located?

20 A. Yes. Hoover Street runs north and south in the city. Bellflower
21 Boulevard is going this way, and right here is Bayside Drive. /

22 Q. Bayside is south of Bellflower Boulevard, then; right?

23 A. That's correct.

24 Q. And it actually comes to an intersection from the east into Hoover;
25 right?

26 A. Yes, / it does.

1 Q. The gloves were found in the street right next to the railway; is that
2 right?

3 A. Correct.

4 Q. Obviously, you don't know how long they / had been there?

5 A. Not positively.

6 Q. Do they resemble gloves that might be purchased for gardening or
7 some type of heavy lifting, or something similar to that? /

8 MS. OLIVER: Objection. Lack of foundation.

9 THE COURT: Sustained.

10 BY MR. BAKER: Q. Do they resemble gloves that might be used
11 in construction work or something?

12 MS. OLIVER: Objection. Lack of foundation.

13 THE COURT: Sustained.

14 BY MR. BAKER: Q. So as / I understand what you are saying,
15 Mr. Lewis, you found one of the gloves on Bayside Drive there, and then the other
16 one -- well, in / other words, you found a left glove and a right glove; correct?

17 A. They appeared to be a match; correct.

18 Q. In other words, they appeared to / be the same type of glove?

19 A. Yes, in my opinion, they did.

20 Q. They were some distance apart; correct?

21 A. That's right.

22 Q. Have you had any special / training in firearms?

23 A. No.

24 Q. Did you find any shell casings?

25 A. No.

1 Q. The photographs of the car -- do you have copies in your report
2 today?

3 A. I / do not.

4 Q. Now, showing you several photographs, it is a red Honda Accord;
5 right?

6 A. Yes.

7 Q. You were asked to process that vehicle around 11:30 / in the morning
8 of June 6th of '98; right?

9 A. Correct.

10 Q. So that would have been approximately 12 hours after you were first
11 called concerning this / case?

12 A. Approximately, yes.

13 Q. And that vehicle was brought to your attention by members of the
14 Bellflower Police Department; is that right?

15 A. Correct.

16 Q. They are the / people who directed you to that location?

17 A. They were.

18 Q. This residence was on Oak Street; right?

19 A. Yes.

20 Q. You noted the license plate of that particular / Honda; right?

21 A. Yes.

22 Q. You reflected it in your report?

23 A. Yes, and we have photographs of it, in addition.

24 Q. You filled out a C.S.I. / report; is that correct?

25 A. Yes, we did.

26 Q. Do you know if you filed that when you were done?

1 A. Yes, I did.

2 Q. You indicated that the / Honda was red; right?

3 A. Yes.

4 Q. Mr. Lewis, if you need to refer to your report to refresh your memory,
5 go ahead.

6 A. Okay.

7 Q. Now, it was / a 1993 model?

8 A. Yes.

9 Q. And the license plate number was what?

10 A. 3 LOY 945.

11 Q. That identical license plate is depicted in / that picture; is that correct?

12 A. Yes, it is.

13 Q. This vehicle was parked on the street; is that right?

14 A. Correct.

15 Q. At a later time, did you / put that information in the report?

16 A. Yes, we did.

17 Q. Now, inside that vehicle you found a cardboard cigarette package;
18 right?

19 A. Correct.

20 Q. Well, you actually did / find two packages; right?

21 A. I believe from the same vehicle, yes.

22 Q. And if you need to refresh your recollection, you can refer to the
23 report. /

24 A. Okay. Yes, there were two packages of cigarettes.

25 Q. Did you also find a cassette tape holder?

26 A. Yes.

1 Q. You found a lock for the steering wheel; / is that right?

2 A. That's correct.

3 Q. Now, do you have training and experience in collecting latent
4 fingerprints?

5 A. Yes, I do.

6 Q. Did you do any of that / work on this homicide?

7 A. Yes, we did.

8 Q. Did you find any latent fingerprints on the vehicle?

9 A. Yes, we did.

10 Q. And did you then collect and / preserve those?

11 A. We did.

12 Q. When you say we, you are talking about you and Mr. Murphy?

13 A. That's correct.

14 Q. Do you recall where those latent prints / were located?

15 A. From what I recall, the interior and possibly the exterior of the
16 vehicle.

17 Q. And were those prints preserved on a card and then / later booked into
18 evidence?

19 A. They were preserved on a card. As far as the booking part, the
20 fingerprint cards all stay in our own department. /

21 Q. Do you recall how long you were out there processing the red Honda?

22 A. I do not.

23 Q. You took about 20 photographs of it; right?

24 A. Yeah. /

25 Q. Is that yes?

26 A. Yes, I am sorry.

1 Q. Next, there was the process of actually going inside, finding the items
2 and collecting them?

3 A. Yes.

4 Q. While you / were doing that, did you notice if there was a crowd
5 watching you?

6 MS. OLIVER: Objection. Irrelevant.

7 THE COURT: Sustained.

8 BY MR. BAKER: Q. This was done at about 11:30 in the /
9 morning; right?

10 A. Yes.

11 MR. BAKER: I have no further questions.

12 THE COURT: Redirect.

13 MS. OLIVER: Yes.

14 REDIRECT EXAMINATION

15 BY MS. OLIVER: Q. Mr. Lewis, did you do anything with those
16 prints after you collected them from the / car?

17 A. Yeah, they were brought back to the station. I don't know the exact
18 date, but the prints that were good enough were entered into / the database to be
19 processed.

20 Q. What kind of database are you talking about?

21 A. Well, we use the State database for matching prints.

22 Q. Did you have / any hits using that database for your department?

23 MR. BAKER: Objection. Lack of foundation.

24 THE COURT: Sustained.

25 BY MS. OLIVER: Q. Mr. Lewis, did you do the first analysis or
26 the input in / order to determine whether or not there were any hits?

1 A. I have copies of them. Can I look at them?

2 Q. Sure. Would it refresh your memory? /

3 A. Yes, it would.

4 MR. BAKER: May I approach, your Honor?

5 THE COURT: Yes.

6 THE WITNESS: Now, as far as getting them ready to submit, I did that
7 work, and someone else / in the office then enters them in the computer.

8 BY MS. OLIVER: Q. Did you ever get any report back from this
9 other person?

10 A. Yes, we did.

11 Q. Did you / do anything more with regard to that information?

12 A. I wrote up a report to the detectives saying that the searches were not
13 successful.

14 Q. So there / were no hits or matches?

15 A. Right.

16 MS. OLIVER: I have nothing further.

17 THE COURT: Recross.

18 MR. BAKER: No, thank you.

19 THE COURT: May the witness be excused?

20 MS. OLIVER: Yes.

21 THE COURT: You are excused.

22 THE WITNESS: Thank you, / your Honor.

23 THE COURT: All right. Ladies and gentlemen, afternoon recess. 3:30,
24 please. All parties are to return at that time. We are in recess now.

25
26 -o0o-